

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ACADEMY OF ALLERGY & ASTHMA
IN PRIMARY CARE, and UNITED
BIOLOGICS, LLC D/B/A UNITED
ALLERGY SERVICES,

Plaintiffs,

V.

SUPERIOR HEALTHPLAN, INC. and
CENTENE CORP.,

Defendants.

[illegible]

Civil Action No. 5:17-CV-01122-FB

**DEFENDANT SUPERIOR HEALTHPLAN INC.'S
DESIGNATION OF EXPERT WITNESSES**

Pursuant to Federal Rule of Civil Procedure 26(a)(2), Defendant Superior HealthPlan, Inc. (“Superior”) by and through its undersigned counsel, hereby identifies the following expert witnesses who may testify concerning the claims asserted by Plaintiff United Allergy Services (“UAS”). Superior expressly reserves the right to supplement these expert designations as discovery is ongoing.

1. Dr. David Bernstein, MD
University of Cincinnati College of Medicine
231 Albert Sabin Way, Room 7507
Cincinnati, Ohio 45267-0563

Dr. Bernstein has been retained as an expert witness by Superior. Dr. Bernstein is expected to testify in rebuttal to Plaintiff's expert, Dr. Frederick Shaffer. Dr. Bernstein is expected to express the opinions described in his report, which is being separately served on all counsel of record. The basis for Dr. Bernstein's opinions, as well as the data and material he used to form those opinions, are described in his report. Dr. Bernstein's experience and qualifications, including a list of all publications authored in the previous 10 years, as well as a list of all other cases in which Dr. Bernstein has testified as an expert at trial or by deposition during the previous 4 years, are also included in his report. Dr. Bernstein's compensation can also be found in the report. Dr. Bernstein specifically reserves his right to supplement his report as discovery is ongoing.

2. Subbu Ramanarayanan, Ph. D.
NERA Economic Consulting
1166 Avenue of the Americas, 24th Floor
New York, New York 10036

Dr. Ramanarayanan has been retained as an expert witness by Superior. Dr. Ramanarayanan is expected to express the opinions as outlined in his report, which is being separately served on all counsel of record. The basis for Dr. Ramanarayanan's opinions, as well as the data and material he used to form those opinions, are described in his report. Dr. Ramanarayanan will rebut the opinions of Plaintiff's experts Dr. Ronald House and Jonathan Orszag. Finally, Dr. Ramanarayanan's experience and qualifications, including a list of all publications authored in the previous 10 years, as well as a list of all other cases in which Dr. Ramanarayanan has testified as an expert at trial or by deposition during the previous 4 years, are also included in his report. Dr. Ramanarayanan's compensation can also be found in the report. Dr. Ramanarayanan specifically reserves his right to supplement his report as discovery is ongoing.

3. Dr. Peter R. Kongstvedt, MD, FACP
P.R. Kongstvedt Company, LLC
PMB 426
1350 Beverly Road, Ste 115
McLean, VA 22101-3633

Dr. Kongstvedt has been retained as an expert witness by Superior. Dr. Kongstvedt is expected to rebut Plaintiff's expert, Michael Miscoe, and testify as outlined previously in his previous report, served December 14, 2018 and supplemented April 5, 2019 in arbitration, which is being separately served on all counsel of record. The basis for Dr. Kongstvedt's opinions, and the data and material he used to form those opinions, are described in his report. Dr. Kongstvedt's extensive experience and qualifications, including a list of all publications authored in the previous 10 years, as well as a list of all other cases in which Dr. Kongstvedt has testified as an expert at trial or by deposition during the previous 4 years, are also included in his report. Finally, Dr. Kongstvedt's compensation can be found in the report. Dr. Kongstvedt specifically reserves his right to supplement his report as discovery is ongoing.

Defendant does not believe that the Plaintiff can recover costs or attorneys' fees in this matter. Without waiver of the above, and in the alternative, to the extent the Court determines that attorneys' fees would be recoverable, Superior discloses the following witnesses who may present evidence of attorneys' fees, costs, disbursements, and expenses pursuant to Section 38.001 of the Texas Civil Practices and Remedies Code, and all other relief to which Superior may be justly and fairly entitled:

4. Gregory J. Casas
Greenberg Traurig, LLP
300 West 6th Street, Suite 2050
Austin, Texas 78701

Mr. Casas may testify regarding the reasonableness of Plaintiff's claim for attorneys' fees and expenses in connection with this lawsuit. Mr. Casas will testify on the basis of his experience, education, training, knowledge of the instant litigation, his knowledge of the market for legal services in the relevant specialties and geographic area(s), and any evidence which may be presented in connection with Plaintiff's claim for attorneys' fees and expenses. A copy of Mr. Casas' resume is available at <https://www.gtlaw.com/en/professionals/c/casas-gregory-j>. Mr. Casas will review all pleadings, exhibits, and documents produced by the parties, as well as all invoices produced for the services rendered. Mr. Casas may also testify to any rebuttal issues and the unreasonableness of attorney's fees as part of Claimants' allegations.

5. Tricia DeLeon
Holland & Knight LLP
200 Crescent Court, Suite 1600
Dallas, TX 75201

Ms. DeLeon may testify regarding the reasonableness of Plaintiff's claim for attorneys' fees and expenses in connection with this lawsuit. Ms. DeLeon will testify on the basis of her experience, education, training, knowledge of the instant litigation, her knowledge of the market for legal services in the relevant specialties and geographic area(s), and any evidence which may be presented in connection with Plaintiff's claim for attorneys' fees and expenses. A copy of Ms. DeLeon's resume is available at <https://www.hklaw.com/en/professionals/d/deleon-tricia-r>. Ms. DeLeon will review all pleadings, exhibits, and documents produced by the parties, as well as all invoices produced for the services rendered. Ms. DeLeon may also testify to any rebuttal issues and the unreasonableness of attorney's fees as part of Claimants' allegations.

Dated: September 22, 2020

Respectfully submitted,

/s/ Gregory J. Casas
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*Attorneys for Defendant Superior
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CERTIFICATE OF SERVICE

I hereby certify that the above was electronically filed with the Court and that counsel of record, who are deemed to have consented to electronic service in the above-referenced case, are being served this 22nd day of September, 2020 with a copy of the above-document via the Court's CM/ECF System.

/s/ Gregory J. Casas
Gregory J. Casas